



Costs Decision

Site visit made on 8 July 2025

by **N Unwin BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Costs application in relation to Appeal Ref: APP/M5450/W/25/3361443

Caffe Nero, 1 Love Lane, Pinner HA5 3EE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ashok Patel for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal to grant the approval for details required by conditions of a planning permission for the redevelopment to provide three storey building with accommodation in roof to provide Coffee shop (Class A1) on ground floor, 9 flats (7 x 1 bed flats and 2 x 2 bed flats) on upper floors; Refuse and Cycle storage.
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Decision

1. The application for an award of costs is refused.

Preliminary Matter

2. The appellant's submission refers to a judicial review claim, with the costs relating to this separate to this decision.

Reasons

3. The appeal relating to this costs application concerns the details submitted in respect of the discharge of condition 4 attached to approval P/3669/19. The appellant's submission refers to a judicial review claim as to the lawfulness of the Councils handling of the planning application and not a matter before me.
4. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense during the appeal process. This could be the expense of the entire appeal or other proceeding or only for part of the process. Costs cannot be claimed for the period during the determination of the planning application.
5. Unreasonable behaviour in the context of an application for an award of costs may be either procedural relating to the process, or substantive relating to the issues arising from the merits of the appeal.

Procedural

6. The appellant suggests that the Council were unwilling to meet on site and did not request further information or clarifications prior to the determination of the application. I am aware of a site meeting between the Council and the appellant

following the refusal of P/0388/23, with the Council providing an email detailing the additional information required to discharge condition No 4.

7. A request for information during the determination of application P/0388/23 may have prevented the need for the appeal. Nonetheless, I am unaware of the appellant seeking pre-application advice prior to the submission of the application, which the National Planning Policy Framework identifies as having significant potential to improve the efficiency and effectiveness of the planning application system. Further, there is little substantive evidence before me which demonstrates the Council did not co-operate with the applicant during the application process. The Transport Addendum dated 21 December 2023 was submitted to address the Highways Authority's concerns regarding condition No 4. This response during the application process indicates that the appellant had adequate opportunity to submit additional information in addition to receiving the response of technical consultees. As such, I do not consider the Council to have failed to co-operate.
8. There was a delay in the determination of the application. During this period the Council attempted to withdraw the application which was then subject to judicial review. This understandably contributed to the delay in determination. Furthermore, the appellant could have appealed on the basis of non-determination but chose not to do so.
9. The appellant claims that the Council paid undue weight to the opinions expressed by the Pinner Association. The Council appear to have had regard to representations made by the Pinner Association, however there is no substantive evidence to suggest this took precedence in their decision making. The Council's determination of the application is well reasoned in its Officer's delegated report and based on planning policy.
10. The Council's delegated report also confirms that they had no objection to the discharge of conditions 5, 6, 7, 11 and 15 with the Officer recommendation to approve details. Whilst it is unclear why the Council chose not to discharge these conditions, given their lack of objection the appellant has not incurred unnecessary or wasted expense in defending these at appeal.

Substantive

11. The appellant states that there were two factual errors in the Council's reasons for refusal. The first concerning the width of the service lane and the second that the service lane forms the only access to and from the rear of the site. Whilst parties disagree on the width of the access lane, the difference between the Council's and appellant's figures is relatively low. Even if the appellant's figure was used the access lane remains narrow and due to the absence of details surrounding the proposed hoarding, the width of the narrow service lane with the proposed hoarding in place is unclear.
12. Whilst there exists a secondary access to the south-east, this is also restricted in width. Further, delivery vehicles would still be required to enter the service lane and utilise the unloading area. As such, the existence of the secondary access does not overcome the concerns regarding the effect of the hoarding on the width of the service lane. Notwithstanding the above, the application would have been refused due to the potential for conflict between the proposed works, and vehicles and pedestrians utilising the parking area, representing a risk to their safety.

Conclusion

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

N Unwin

INSPECTOR